



HM Revenue
& Customs

Mr P Matthews
By email: request-495341-
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Counter-Avoidance
Freedom of Information Team
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Web www.gov.uk

Date: 30 July 2018
Our ref: FOI2018/01402

Dear Mr Matthews

Freedom of Information Act 2000 (FOIA)

Thank you for your request, which was received on 2 July, for the following information:

“In 2017 the Supreme Court ruled in the case commonly referred to as ‘Rangers’ that the employer was liable for the unpaid PAYE and NIC tax. Please supply the number of people who have been advised of this decision prior to proceeding with settlement with HMRC under the Contractor Loans Settlement Opportunity that was due to close for registration at the end of May 2018 (that closing date has subsequently been extended)”

I can confirm HMRC holds information that falls within the scope of your request. However, we estimate that it would exceed the FOIA cost limit to deal with it. The cost limit, which is specified in regulations, equates to one person spending 3½ working days locating and extracting all of the information within scope of the request.

HMRC routinely contact tax avoidance users as part of its normal operational business practice. The information requested is held both electronically and manually within individual paper files. To provide the requested information would require HMRC to conduct detailed analysis of individual tax avoidance related cases to identify cases where contact has been made and then review each case to establish whether contact was in relation to the Supreme Court decision or not.

I have established that the time necessary to complete this task would exceed the cost limit by some way. Consequently, under section 12(1) of the FOIA, HMRC is not obliged to comply with your request and we will not be processing it further.

Normally, HMRC would explore with you how you might be able to narrow or refine your request so that it did not exceed the FOIA cost limit. However, in this case, I cannot see any scope for doing this.

Outside the FOIA

To be helpful and outside the FOIA, you may be interested to know that HMRC published Spotlight 41 following the Supreme Court decision as part of an awareness campaign.

Disguised remuneration: a Supreme Court decision (Spotlight 41)
<https://www.gov.uk/guidance/disguised-remuneration-a-supreme-court-decision-spotlight-41>

Information is available in large print, audio and Braille formats.
Text Relay service prefix number – 18001



Disguised remuneration: detailed settlement terms: Published 7 November 2017
<https://www.gov.uk/government/publications/disguised-remuneration-detailed-settlement-terms/disguised-remuneration-detailed-settlement-terms>

At the end of 30 June 2018, HMRC had recorded 22,386 registrations in settling under the disguised remuneration settlement terms published on 7 November 2017. However, this figure is subject to change as users may still come forward to register an interest in settling with HMRC, but the likelihood of reaching an agreed settlement will become increasingly difficult the nearer users leave it to 5 April 2019 to approach HMRC.

HMRC issue briefing: disguised remuneration charge on loans: Published 18 July 2018
www.gov.uk/government/publications/hmrc-issue-briefing-disguised-remuneration-charge-on-loans/hmrc-issue-briefing-disguised-remuneration-charge-on-loans

If you are not satisfied with this reply you may request a review within two months by emailing foi.review@hmrc.gsi.gov.uk, or by writing to the address at the top right-hand side of this letter.

If you are not content with the outcome of an internal review, you can complain to the Information Commissioner's Office. The following link explains how to do this:
<https://ico.org.uk/concerns/>

Yours sincerely,

Freedom of Information Team